UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

JAMES HOLMAN, on behalf of himself,)	
and all others similarly situated,)	
Plaintiff,)	
)	
v.)	Case No. 2:10-cv-0036
)	
MACON COUNTY, TENNESSEE)	
)	
Defendant.)	

DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S CLAIM AND DECERTIFY CLASS FOR LACK OF A CLASS REPRESENTATIVE

Defendant Macon County, Tennessee has moved this Court, pursuant to Fed. R. Civ. P. 41(b) to dismiss the claims asserted herein by plaintiff James Holman for failure to prosecute this action, for failure to comply with the rules of civil procedure, and for failure to comply with the Court's Order entered March 1, 2011. Furthermore, the defendant has moved this Court to decertify the class previously certified herein for lack of a competent representative to pursue the class claims, thereby dismissing all claims herein against Macon County, Tennessee, with prejudice. In support of this motion, the defendant relies upon its Memorandum of Law filed herewith.

FB075382 /

Respectfully Submitted,

FARRAR & BATES, L.L.P.

/s/ Mary Byrd Ferrara

Mary Byrd Ferrara (BPR #000229) Heather C. Stewart (BPR # 23914) 211 Seventh Avenue, North Suite 500 Nashville, TN 37219

Phone: (615) 254-3060

Attorneys for Macon County

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this the 4th day of April, 2011, a true and correct copy of the foregoing has been forwarded via the U. S. District Court's electronic mail system, to:

Jerry Gonzalez 2441-Q Old Fort Parkway Box 381 Murfreesboro, TN 37128 (615) 360-6060 Attorney for Plaintiff

/s/ Mary Byrd Ferrara
Mary Byrd Ferrara

FB075382 /